

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSE REYNOSO,

Plaintiff,

v.

WACHOVIA,

Defendant.

No. C 09-2837 CW

ORDER TAKING MOTION
UNDER SUBMISSION

On August 3, 2008, Defendant Wachovia filed a Motion to Dismiss Complaint Under FRCP 12(b)(6) and noticed the motion for hearing on September 24, 2009. Plaintiff's opposition to the motion was due September 3, 2009. Plaintiff has not filed an opposition to the motion. Accordingly,

Notice is hereby given that the Court, on its own motion, shall take Defendant Wachovia's Motion to Dismiss Complaint Under FRCP 12(b)(6) under submission on the papers. The hearing previously scheduled for September 24, 2009, is vacated. Plaintiff's opposition to the motion will be due September 17, 2009, and any reply by Defendant will be due September 24, 2009.

1 Failure by Plaintiff to timely file a written opposition to the
2 motion will result in dismissal of this case for failure to
3 prosecute.

4 Dated: 9/4/09



CLAUDIA WILKEN
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOSE REYNOSO,

Case Number: CV09-02837 CW

Plaintiff,

CERTIFICATE OF SERVICE

v.

WACHOVIA et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 4, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jose Reynoso
319 E. Home St.
Oakley, CA 94561

Dated: September 4, 2009

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk